rence of a contingency and that the grantee intend to have such rights, privileges, *etc.* created in his favor. *Rodmeier* v. *Brown* (1897) 169 Ill. 347, 48 N. E. 468; *Conneau* v. *Geis, supra.* In the instant case, there was a valid delivery in escrow to the grantee but under the prevailing rule the law attaches to such a delivery the consequence that title vests at once. *Dorr* v. *Midelburg* (1909) 65 W. Va. 778, 65 S. W. 97. However, it may be questioned whether or not there is sufficient reason for attaching that consequence; and the conclusion reached in the instant case seems to be a commendable departure from the rigorous rule based upon the fear of fraud and the sanctity of real property.

EQUITY—QUIETING TITLE—LACHES.—The holder of a tax deed void on its face, which purported to convey the plaintiff's lands, devised all his property to the defendant's grantor who executed a quitclaim deed of the plaintiff's land to the defendant. The defendant and his grantors paid taxes under the tax deed for twenty-seven years, and under the quitclaim deed for four years. In an action to cancel the quitclaim deed as a cloud on the plaintiff's title, *held,* two judges dissenting, that cancellation should have been decreed, for the owner of unoccupied land will not be barred by laches on account of failure to pay taxes unless such taxes have been paid by another under color of title. *Fletcher* v. *Malone* (Ark. 1920) 224 S. W. 629.

Where, as in the instant case, a deed void on its face is not a cloud, the owner would have no equitable rights against the holder thereof. Therefore, it cannot be said that the plaintiff was "sleeping on his rights". Furthermore, the mere failure of the true owner to pay taxes is not laches. *Costello* v. *Muheim* (1906) 9 Ariz. 422, 84 Pac. 906; *Bradley Lumber Co.* v. *Langford* (1913) 109 Ark. 594, 160 S. W. 866. There must be a material change in the condition or relation of the property or parties making the enforcement of equitable rights inequitable. *Galliher* v. *Cadwell* (1892) 145 U. S. 368, 12 Sup. Ct. 873; see *Keller* v. *Harrison* (1910) 151 Iowa 320, 128 N. W. 851. But even in jurisdictions where an instrument void on its face is a cloud, laches could destroy only the right to cancellation of the tax deed. Such a result would not alter the fact that the title to the property still remained in the plaintiff. Therefore, even if the right to cancellation of the tax deed had been lost by laches, nevertheless, the quitclaim deed was as much of a cloud as if the right to have the tax deed cancelled had never been lost. But where taxes on unoccupied land are paid under color of title, statutes often vest title in an adverse claimant who has paid them for the statutory period. *Towson* v. *Denson* (1905) 74 Ark. 302, 86 S. W. 661; *De Foresta* v. *Gast* (1894) 20 Colo. 307, 38 Pac. 244 (deed void on its face held "color of title"); *cf.* Wis. Stat. (1919) § 1189a; Ill. Ann. Stat. (J. & A. 1913) § 7202. In this event, since the claimant has legal title, he need not resort to the equitable doctrine of laches.

EVIDENCE—RAPE—BIRTH OF CHILD AS CORROBORATION.—In a trial for statutory rape, the court refused to charge for the defendant that the birth of a child was no evidence to corroborate the testimony of the prosecutrix that the defendant was the guilty party. On appeal, the conviction was affirmed without opinion, one judge dissenting. *People* v. *Whitson* (App. Div. 3rd Dept. 1921) 185 N. Y. Supp. 590.

Some states allow a conviction for statutory rape on the uncorroborated testimony of the prosecutrix. *State* v. *Hammontree* (Mo. 1915) 177 S. W. 367. But in New York, by Penal Law § 2013, and in many other jurisdictions by similar statutes, corroboration of the defiled female's evidence is necessary. Evidence of pregnancy is admissible because it proves intercourse, which is one of the constituent elements of the offense. *State* v. *Sysinger* (1910) 25 S. Dak. 110,